

## PLANNED DEVELOPMENT PERMIT

<b>FILE NO.</b>	<b>PD13-048</b>
<b>LOCATION OF PROPERTY</b>	<b>Southwest corner of North 1st Street and Century Center Court</b>
<b>ZONING DISTRICT</b>	<b>A(PD) Planned Development</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Combined Industrial/Commercial</b>
<b>PROPOSED USE</b>	<b>Planned Development Permit for the construction of a 12-story mixed-use building consisting of up to 378 apartment units, up to 5,115 square feet commercial space, and an associated parking garage on a 2.4 gross acre site</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Re-use of the North San Jose EIR (Resolution No. 72768) and Addenda thereto, File No. PDC13-055</b>
<b>APPLICANT/ADDRESS</b>	<b>Barry Swenson Builder 777 1<sup>st</sup> Street San Jose, California. 95112</b>
<b>OWNER/ADDRESS</b>	<b>Schmidt F. James Et Al 2804 Mission College Boulevard, Unit 120 Santa Clara, California. 95054</b>

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The project site is located on the southwest corner of North 1st Street and Century Center Court and is surrounded by an office building and a motel to the north across North 1<sup>st</sup> Street, industrial buildings to the south and southwest, office buildings to the east across North 1<sup>st</sup> Street, and an office building to the west.
2. **Project Description.** The Century Center Towers Rezoning (Ordinance No. 29386) was adopted on March 18, 2014 and allows up to 460 multi-family attached residential units and up to 20,000 square feet of commercial uses. This Planned Development Permit would allow the construction of a 12-story mixed-use building consisting of up to 378 apartment units, up to 5,115 square feet of commercial space, and an integrated parking garage.
3. **General Plan Conformance.** The Project is consistent with the General Plan in that:
  - a. The subject site is designated Combined Industrial/Commercial on the Envision 2040 General Plan Land Use/Transportation Diagram. The subject site was previously designated Industrial Park/General Commercial with Transit/Employment Residential Overlay by the San José 2020 General Plan Land Use/Transportation Diagram when the

original zoning (File No. PDC09-002) was adopted on August 25, 2009. The recent rezoning of the subject site (File No. PDC13-055) only approved minor modification to setbacks, a reduction to parking and private open space requirements, and the elimination of commercial parking. In accordance with Implementation Land Use / Transportation Diagram Policy 1.4, implementation of existing planned development zonings, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance when the implementation of such entitlements supports its goals and policies. Given that the recent rezoning (File No. PDC13-055) only made minor modifications to the previous Planned Development Zoning, the subject project is in conformance to the General Plan.

4. **General Development Plan Conformance.** The proposed project conforms to the approved General Development Plan in the following manner:
  - a. **Parking Requirement.** The General Development Plan requires parking at a rate of 1.25 spaces per studio unit, 1.25 spaces/ 1 bedroom unit, and 1.7 spaces/ 2 bedroom unit. Based on 87 studio units, 158 one bedroom units, and 140 two bedroom units, 482 parking stalls are required. 495 parking spaces are proposed.
  - b. **Setbacks.** The proposed building meets the General Development plan setback standards of 25 feet to Building Face on the North 1<sup>st</sup> Street frontage, 15 feet to Building Face on the Century Center Court Frontage and one foot to building on the western and southern property lines.
  - c. **Height.** The General Development Plan requires that buildings are a maximum of 150 feet in height. The proposed buildings are approximately 132 feet in height.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
  - a. An Addendum to the North San Jose EIR was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
6. **Planned Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Planned Development Permit.
  - a. The planned development permit, as issued, furthers the policies of the general plan.
    - i. The subject site is designated Combined Industrial/Commercial by the Envision 2040 General Plan Land Use/Transportation Diagram. The subject site was previously designated Industrial Park/General Commercial with Transit/Employment Residential Overlay 55+ DU/AC (*Rincon South Planned Community*) by the San José 2020 General Plan Land Use/Transportation Diagram when the original zoning (File No. PDC09-002) was adopted on August 25, 2009. The recent rezoning of the subject site (File No. PDC13-055) only approved minor modification to setbacks, a reduction to parking and private open space requirements, and the elimination of commercial parking. In accordance with Implementation Land Use / Transportation Diagram Policy 1.4, implementation of existing planned development zonings, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance when the

implementation of such entitlements supports its goals and policies. Given that the recent rezoning (File No. PDC13-055) only made minor modifications to the previous Planned Development Zoning, the subject project is in conformance to the General Plan.

- b. The planned development permit, as issued, conforms in all respects to the planned development zoning of the property.
  - i. The proposed project conforms to the approved General Development Plan in terms of use, height, setbacks, and parking.
- c. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious.
  - i. The Planned Development Zoning and its development standards were found consistent with the Residential Design Guidelines and the North San Jose Area Development Policy; and this permit is in conformance with the development standards.
- d. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
  - i. An Addendum was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

In accordance with the findings set forth above, a Planned Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is

approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit. (AP2-2013)

3. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions. (AP4-2013)
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority. (AP5-2013)
5. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit plans entitled, "Century Center Towers 1733 North 1<sup>st</sup> Street San Jose, CA 95112" dated April 7, 2014, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes. (AP6-2013)
6. **Conformance with Previously Approved Zoning.** All conditions of approval and required environmental mitigation measures from the previously approved Planned Development Zoning remain in effect. (AP11-2013)
7. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City. (AP20-2013)
8. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. (AP21-2013)
9. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above. (AP22-2013)
10. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions. (AP23-2013)
11. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code (AP24-2013).

12. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping. (AP25-2013)
13. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set. (AP26-2013)
14. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground. (AP27-2013)
15. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction. (AP29-2014)
16. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage. (AP30-2013)
17. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment. (AP31-2013)
18. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. (AP34-2013)
19. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night. (AP35-2013)
20. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property. (AP36-2013)
21. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement. (AP38-2013)
22. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set (see Permit Adjustment Required condition below). (AP39-2013)
23. **Homeowner's Association.** In the event that the project becomes condominiums for sale, a Homeowner's Association shall be established for maintenance of all common areas, including driveways/courtyards, landscaping and the community amenity area. A copy of the Development Permit, the accompanying Plan Set, any approved Amendments or Adjustments to the Development Permit, and a complete set of approved building and all improvement plans shall be provided to the Homeowner's Association by the applicant. (AP41-2013)
24. **Motorcycle Parking.** This project shall conform to the motorcycle parking requirements identified on the Zoning Ordinance, as amended. The required spaces shall be provided through a combination of dedicated spaces as shown on the plans and the use of surplus vehicular parking spaces which may serve as motorcycle parking spaces. (AP44-2013)
25. **Bicycle Parking Provisions.** This project shall provide a combination of short term uncovered bike parking as well as long term covered parking consistent with the requirements noted in the Zoning Ordinance. (AP45-2013)

26. **Mechanical Equipment.** No roof-mounted or other exterior mechanical equipment shall be located within 120 feet of a residential property line unless a Sound Engineer has certified that noise levels from such equipment will not exceed 55 dBA at the residential property line. All roof mounted mechanical equipment shall be screened from view. (AP46-2013)
27. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code. (AP47-2013)
28. **Parkland Dedication Ordinance.** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions. Prior to approval of final building permits for this development, the applicant shall enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance. (AP50-2013)
29. **Inclusionary Housing Policy.** Prior to the issuance of a Foundation or Building Permit, developer will be required to submit a Compliance Plan to the City's Housing Department that identifies the way in which the projects' affordable housing obligation will be met. Once the Housing Department has approved the Compliance Plan, the developer will be required to enter into and record an Affordability Restriction on the land that codifies the obligation. A Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any Inclusionary Unit will not be issued until all requirements of the Inclusionary Housing Policy (or Ordinance) has been met. For more information on the City's Inclusionary Housing Program, please contact Kristen Clements of the City's Housing Department at (408) 535-8236.
30. **Green Building Requirements for High Rise Residential Development (75 feet in height or taller).** The development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the applicant shall pay a Green Building Refundable Deposit in the amount of \$30,000 applicable to the gross square footage of said buildings which are approved through this permit. The project must receive the minimum green building certification of LEED Certified. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code. (AP57-2013)
31. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet. (AP59-2013)

32. **North San Jose Area Development Policy Requirements:** An area-wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR. Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2013 fee is \$7,256 per multi-family unit and subject to an annual escalation of 3.3% on July 1<sup>st</sup>. This fee must be paid prior to issuance of Public Works Clearance. (SU41-2013)
33. **North San Jose Area Development Policy- Expiration of Development Capacity.** This Planned Development Permit reserves 378 residential units of the development capacity within the North San Jose Area Development Policy. Reservation of this development capacity shall expire on June 7, 2018 unless a building permit is obtained and construction has commenced with concrete poured. (SU42-2013)
34. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines. (SU43-2013)
35. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect. (SU44-2013)
36. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project. (SU45-2013)
37. **Replacement Landscaping.** All landscaping removed with the construction of this structure shall be replaced with similar landscaping in the immediate area. All landscaped replacement areas shall be automatically irrigated. (SU46-2013)
38. **Common Area Landscaping.** All landscaping in common areas shall be maintained by the Homeowner's Association or other similar entity. (SU48-2013)
39. **Avigation Easement.** An avigation easement must be granted by the applicant to the City of San Jose. (OD2-2013)
40. **FAA Clearance Required.** The permittee shall obtain from the Federal Aviation Administration a "Determination of No Hazard to Air Navigation" for each building high point. The permittee shall abide by any and all conditions of the FAA determinations (if issued) such as height specifications, rooftop marking/lighting, construction notifications to the FAA through filing of Form 7460-2, and "No Hazard Determination" expiration date. The data on the FAA forms should be prepared by a licensed civil engineer or surveyor, with location coordinates (latitude/longitude) in NAD83 datum out to hundredths of seconds, and elevations in NAVD88 datum rounded off to the next highest foot. (OD3-2013)

41. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: (OD4-2013)
- a. *Construction Plans.* This permit file number, PD13-048, shall be printed on all construction plans submitted to the Building Division. (OD5-2013)
  - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA). (OD6-2013)
  - c. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department. (OD7-2013)
  - d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions. (OD8-2013)
  - e. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: The project applicant shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street). (OD10-2013)
42. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors. (OD11-2013)
43. **Fire Flow.** Required fire flow for the site is calculated using CFC Appendix B, or as otherwise approved in writing by the Fire Chief. A 50% reduction in required fire flow may be authorized for sprinklered buildings containing light hazard occupancies. A 25% reduction in required fire flow may be authorized for sprinklered buildings containing ordinary hazard occupancies. No reduction is provided for unsprinklered or extra hazard occupancy buildings. (OD12-2013)
44. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by the Fire Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. The number and distribution of fire hydrants shall be based on CFC Table C105.1 (no reduction allowed for fire flow requirement). (OD13-2013)
45. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief. (OD14-2013)
46. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE-NO PARKING," shall be provided as required by the Fire Department. (OD15-2013)
47. **Fire Department Connections.** All fire department connections shall be located within 100 feet from a standard public fire hydrant. All alternate means of protections shall be reviewed by the Fire Department. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. (OD17-2013)



48. **Fire Department Connections.** Fire sprinkler and standpipe fire department connections (FDC) serving the same building shall be located directly adjacent to each other. Buildings in excess of 200 feet long and or having frontage on multiple streets shall have multiple FDCs. The Locations shall be approved during plan check by San Jose Fire Department and shall be depicted on the riser key plan(s). (OD18-2013)
49. **Access Control.** When access control devices including bars, grates, gates, electric and/or magnetic locks, or similar devices which would inhibit rapid fire department emergency access to the building are installed, such devices shall be approved by the Chief. All access control devices shall be provided with an approved means for deactivation or unlocking by the Fire Department. Access control devices shall also comply with CFC/CBC Chapter 10 for exiting. (OD20-2013)
50. **Security Gate Access.** All access control vehicle security gate(s) shall be a minimum of 20 feet clear width and may have a clear with of 14 feet for each direction of travel when split by median. Gates shall be recessed beyond the turning radius required by the San Jose Fire Department and without obstruction of any median island dividers. All gate installing shall be reviewed and approved prior to construction. Electric gate operators must have UL 325 listing and it gate must comply with ASTM F2200. (OD21-2013)
51. **Lock Boxes.** The project development shall provide lock boxes to the satisfaction of the Chief Building Official and Fire Chief. (OD22-2013)
52. **Special Access Requirements for Podium Buildings.** The developer shall provide Fire Department personnel route of travel for the interior courts. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted. (OD23-2013)
53. **Rescue Doors/Windows.** Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The angle for laddering is 70 degrees from horizontal. Show all pertaining details including landscaping and pavers in relation to rescue window operation. (OD24-2013)
54. **Emergency Vehicle Access.** Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. To the satisfaction of the Fire Chief, the fire access shall include the following: (OD25-2013)
- a. An approved all weather surface;
  - b. Access road that are at least 20 feet wide;
  - c. Dimensions with a minimum 13 feet 6 inch vertical clearance;
  - d. Load bearing designs that are maintained to support the loads of fire apparatus of at least 75,000 pounds;
  - e. Maintain a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
  - f. Designs with approved provisions for turning around of fire apparatus if it has dead ends and is in excess of 150 feet;

- g. Maintain a maximum grade of 15%;
- h. Provide a second point of access is required when a fire apparatus road exceeds 1,000 feet;
- i. Curbs are required to be painted red and marked as “Fire Lane - No Parking” under the following conditions: (show exact locations on plan)
  - i. Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
  - ii. Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked

**55. High Rise Building Requirements.** The following requirements shall apply to high rise development: (OD26-2013)

- a. *Fire Sprinkler System.* Building(s) shall be provided with an automatic fire extinguishing system in accordance with CFC 903.2 and SJFC 17.12.630. Systems serving more than 20 heads shall be supervised by an approved central, proprietary, or remote service to the satisfaction of the Fire Chief. (OD27-2013)
- b. *Fire Pump and Fire Control Rooms.* The location and access to the fire pump and fire control rooms shall be pre-planned with the Fire Department. In accordance with CFC 509.2; Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Each building shall be equipped with its own separate fire pump and fire control rooms. (OD28-2013)
- c. *Multiple Water Mains Required.* The required fire pumps shall be supplied by connections to a minimum of two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Secondary water supplies shall be provided for both buildings in accordance with CFC 903.3.5.2. (OD29-2013)
- d. *Testing of Smoke Control Systems.* The San Jose Fire Department does not provide testing and inspection of Smoke Control systems. System must be tested and approved by a qualified 3<sup>rd</sup> party contractor. (OD30-2013)
- e. *Emergency Power System.* An emergency power system shall be pre-planned with the Fire Department. (OD31-2013)
- f. *Fire Breathing Air Replenishment Systems.* Fire breathing air replenishment systems shall be required per SJFC 901.4.3.1. (OD32-2013)

**56. Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, and is subject to the following requirements to the satisfaction of the Director of Public Works: (OD46-2013)

- a. *Construction Agreement.* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

b. *Transportation:*

- i. An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
- ii. Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2013 fee is \$9,068.00 per single-family unit and \$7,256 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.

c. *Grading/Geology:*

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
- ii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iii. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- iv. The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29

- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

e. *Stormwater Peak Flow Control Measures:* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

f. *Flood: Zone AO, Depth 1 foot*

- i. The project site has been designated as Flood Zone AO (Depth 1-foot), effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District (District) administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects. The net result is that the project site will continue to remain within the 100-year floodplain (area having a one-percent or greater chance of being flooded in any given year).
  - ii. Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the proposed structure.
  - iii. Elevate the lowest floor of the commercial/retail units more than 1 foot above the highest existing adjacent grade to the proposed structure or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
  - iv. An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a grading permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
  - v. If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65) for each structure, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
  - vi. Provide vent openings for all enclosures below the base flood elevation (ex. at-grade garages). The design must either be certified by a registered professional engineer or meet the following requirements:
    - 1) Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
  - vii. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
- g. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. *Parks:* In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
- i. *Street Improvements:*
- i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - ii. Dedicate 9-foot and construct 12-foot sidewalk, curb and gutter and 22-foot curb lane along North First Street frontage.

- iii. Close any unused driveway cut(s).
  - iv. Proposed driveway width to be 26-feet.
  - v. Upgrade existing handicap ramps (2) to meet current ADA requirements by installing the detectable warning feature at the opposite returns across Century Center Court and North First Street (NW/c and SW/c).
  - vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- j. *Sanitary:* The existing sanitary sewer system along the project frontage is identified to be deficient per the General Plan 2040 anticipated build-out flow. The applicant shall select one of the following alternatives:
- i. Upsize the existing 10" sanitary sewer line to 15" from the southerly project property line on First Street to the manhole at the connection with the existing 15" sanitary sewer line at Airport Parkway / Old Bayshore Frontage Road. The applicant shall be reimbursed 86% of the actual construction costs.
  - ii. Provide a 14% fair share contribution based on a City provided master plan level estimate towards a future sanitary sewer upsizing project.
- k. *Electrical:*
- i. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
  - ii. Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
- l. *Street Trees:*
- i. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - ii. Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - iii. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
57. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds: (FPC1-2013)
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

**APPROVED** and issued on this **4<sup>th</sup> day of June, 2014.**

Harry Freitas, Director  
Planning, Building, and Code Enforcement

Deputy

DRAFT